

BENJAMIN HINCKLEY.

MARCH 5, 1840.

Read, and laid upon the table.

Mr. STRONG, from the Committee on Invalid Pensions, submitted the following

REPORT:

*The Committee on Invalid Pensions, to whom was referred the petition of Benjamin Hinckley, beg leave to report:*

That it is stated in the petition that the petitioner enlisted into the army of the United States on the 11th of August, 1812, and served for the term of five years, when he was honorably discharged by Colonel H. Atkinson of the 6th regiment United States infantry; that he had a sound and robust constitution when he entered the army, and enjoyed good health until towards the close of the campaign of 1813; that upon the removal of the army from Fort George to Sackett's Harbor, in October, 1813, he, having been in bad health a few days, was put on board an hospital boat, and during a passage of seventeen days was exposed to and suffered extreme hardship and fatigue, in consequence of which he contracted a rheumatic affection, which still continues, and from which he has suffered much; that he has a wife and five young children, and is in indigent circumstances, having, in consequence of his continued ill health since leaving the army, been unable to accumulate any thing for the future support of his family. He prays to be placed on the list of invalid pensioners.

Annexed to the petition is a certificate, signed by a large number of persons, stating that they "are well acquainted with the above petitioner, Benjamin Hinckley, and earnestly recommend his case to the favorable consideration of Congress."

The affidavit of Leverett Seward, sergeant in the 25th regiment United States infantry during the late war with Great Britain, as therein stated, sets forth that he was well acquainted with Benjamin Hinckley, *also a sergeant in said regiment*; that the said Hinckley served in the same company with the deponent during the campaign of 1813; that he believes the said Hinckley, when he entered the service of the United States, was in excellent health and of a strong and robust constitution, and so continued until towards the end of the campaign of 1813, at which time, in consequence of extreme exposure and hardship during the passage of the army from Fort George to Sackett's Harbor, he contracted a rheumatic affection from which he has never recovered; and that the deponent has frequently seen the said Hinckley since the war, and is of opinion that the rheumatic complaint with which he is now afflicted is the effect of the severe exposure above mentioned.

The affidavit of L. S. Billings states, that he has been acquainted with Benjamin Hinckley for 17 or 18 years, and has prescribed for him as his physician for the last 6 or 7 years; that he believes him unable to support himself and family, in consequence of a broken constitution, caused, as he is informed and believes, by the hardships endured during five years' service in the United States army; and that the said Hinckley is affected with a chronic rheumatism, caused by hardships and exposures in the abovementioned service.

There is no regular certificate that the petition was sworn to by the petitioner; the certificate of the justice of the peace, endorsed upon the petition, omitting to state that the petitioner was *sworn* or *made oath*. There is no proof of the character of Leverett Seward, and, apparently, there is a discrepancy between his affidavit and the petition, in regard to the regiment to which the petitioner was attached. There is no proof of the character of the exposures and hardships which the petitioner claims to have suffered, nor of the extent of his present disability; and the proof offered to establish the connexion between the exposures and hardships mentioned in the petition, and such disability as may exist, is not satisfactory. The committee therefore recommend the adoption of the following resolution:

*Resolved*, That the prayer of the petitioner ought not to be granted.